

REMARKS

Claims 1-38 and 82-86 were rejected in an Office Action dated October 29, 2007. Claims 1 and 82 have been amended. Support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 USC §103

Unpatentable over Rock et al. in view of Caird et al.

Claims 1-8, 16-32, and 82-86 were rejected under 35 USC §103(a) as being unpatentable over US Patent Publication 2001/0006173 to Rock et al. ("Rock") in view of US Patent 3,768,156 to Caird et al ("Caird"). Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully assert that no prima facie case of obviousness has been established where the combination of references does not disclose or suggest all elements of the independent claims (1, 33, and 82). Applicants note, for example, that each of the pending independent claims recites, among other things, a tape comprising an adhesive that covers and adheres to the upper cable surface and extends beyond cable side surfaces onto the textile surface.

Applicants respectfully assert that Rock does not disclose or suggest a tape. While it is stated in the Office Action that the barrier layer taught by Rock "corresponds to the claimed tape", Applicants respectfully disagree. The differences between the barrier layer of Rock and the claimed element of a tape comprising an adhesive as recited in Applicants' claims, would be clear to a skilled artisan. Applicants assert that the term 'tape' is clear to one skilled in the art, and is further made clear by reference to the instant specification, for example, the figures (e.g. Figs. 1, 4, and 6), examples which describe tapes and processes for applying tapes through garment taping processes, and generally in the detailed description.

Further, at page 7, lines 29-34 of the instant specification, Applicants state that preferred tapes for use in the present invention are narrow, flexible continuous strips having a width which when applied

over the cable extend just slightly beyond the cable width to adhere to the textile or fabric body. Without acquiescing to the position of the Office, claim 1 has been further amended. Applicants assert that the term 'tape' would be clearly distinguishable from the barrier layer taught by Rock, for the following reasons.

In contrast to Applicants claims, Rock teaches a composite fabric comprising a fabric layer, a barrier layer and a resistance element there between. The composite can be made by lamination, for example. Fig. 12 shows the barrier layer 102 'associated' with the fabric layer; Fig. 14, shows the barrier layer 102 'attached' to the fabric layer by adhesive or lamination. With reference to the Figures of Rock, the barrier layer is depicted to be of a size equal to the size of the fabric layer. The barrier is not depicted to be a narrow tape having a width which extends just slightly greater than the cable width (as claimed in claim 1), or a tape which adheres to a portion of the textile surface (as claimed in claim 82). Nowhere is the barrier layer depicted in a manner which would be understood by one skilled in the art to be in the form of a tape.

Moreover, in paragraph 26, it is described how these composite fabrics, one layer of which is the barrier layer, are readily cut to form one side of the glove, and other types and sizes of garments. Thus, the barrier layer would be the same dimension as the glove or garment portion. Further, with reference to the jacket described in paragraph 34 and Fig. 11 of Rock, the barrier layer is in the form of a jacket shell overlaying the heating/warming article for a jacket. At paragraph 29 it is stated that the heating warming composite fabric articles are incorporated as chest panels in to the jacket. Where the barrier is one of the layers of the composite, and the chest panels are comprised of the heating/warming composites, the barrier covers a significant portion of the jacket surface. Clearly, where the barrier layer is in the form of a jacket shell or a layer of composite which covers a chest panel, one skilled in the art would not understand the barrier layer as described by Rock to be in the form of a tape.

Where Caird does not disclose or suggest a barrier or a tape, Caird does not remedy this deficiency, and the claimed invention is not obvious where the proposed combination does not disclose or suggest each element of Applicants claims.

Further, the combination of Rock in view of Caird do not disclose or suggest the claimed element of a tape extended over a garment seam. Rock does not disclose or suggest a barrier or an electrical resistance element extending over two joined panels of a fabric body or a garment seam. Caird does not disclose a barrier or tape at all. Therefore, neither reference alone or in combination disclose or suggest a tape extended over a portion of two joined panels or a garment seam as specifically claimed by Applicants in claims 1 and 82. Moreover, there is no disclosure or suggestion of how to adhere a tape to a cable in which both are extended over a seam and adhered to a textile in a manner which would provide a liquidproof seam, as taught by the instant specification (see page 19 of the instant specification.)

Further, neither Rock, Lumb, nor Caird disclose adhering a tape to a cable surface and also to a portion of the textile. Applicants respectfully assert that a skilled artisan would understand that a composite made by the lamination process of Lumb cited at paragraph 32 of Rock, and a garment comprising a fabric layer, a cable and a tape adhered to the cable and the fabric as claimed by Applicants to be different. Rock discloses an adhesive typically applied in spots, lines, or other discrete regions to attach the barrier layer to a fabric in paragraph 32, but does not teach the adhesion of the barrier directly to the electric resistance element surface for the length of the element, extending beyond side surfaces, and to the fabric.

Applicants respectfully assert that an article or garment formed in accordance with applicants claims may have advantages not achievable with a composite comprising a barrier as taught by Rock, such as increased flexibility, for example, where a tape covers less of the textile surface than a composite comprising a barrier that covers an entire chest panel or is a jacket shell. Further, where all elements of an article comprising a tape which comprises an adhesive which adheres to and covers the length of a cable and extends over two joined panels or a garment seam, is not disclosed or suggested by Rock alone or in combination with Caird, a *prima facie* case of obviousness has not been established.

Unpatentable over Rock et al. in view of Caird et al. further in view of Cordia et al.

Claims 9-15 were rejected under 35 USC §103(a) as being unpatentable over Rock et al. in view of Caird et al. as applied to claims above, and further in view of US Patent 5,236,765 to Cordia et al.

Where all of the claims are dependent upon claim 1 which Applicants deem patentable for the reasons stated above, Applicants assert that the dependent claims are patentable as well. Removal of the rejection is therefore requested.

Unpatentable over Rock et al. in view of Caird et al. further in view of Parker

Claims 33-38 were rejected under 35 USC §103(a) as being unpatentable over Rock et al. in view of Caird et al. as applied to claims above, and further in view of US Patent 5,658,164 to Parker.

Applicants assert that claim 33 is patentable for the reasons stated above and Parker does not overcome the deficiencies. Where all of the claims are dependent upon claim 33 which Applicants deem patentable for the reasons stated above, Applicants assert that the dependent claims are patentable as well. Removal of the rejection is therefore requested.

Conclusion

For the foregoing reasons, the present invention as defined by the claims is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



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